

## § 177.108

settled under this part only after consultation with the Department of Justice when OPM is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

### § 177.108 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 177.107, the referral or request shall be transmitted to the Department of Justice by the General Counsel of OPM or his designee.

### § 177.109 Final denial of claim.

Final denial of an administrative claim under this part shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with OPM action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

### § 177.110 Action on approved claim.

(a) Payment of a claim approved under this part is contingent on claimant's execution of (1) a "Claim for Damage or Injury", Standard Form 95, (2) a claims settlement agreement, and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative, of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and

## 5 CFR Ch. I (1–1–99 Edition)

against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

## PART 178—PROCEDURES FOR SETTLING CLAIMS

### Subpart A—Administrative Claims—Compensation and Leave, Deceased Employees' Accounts and Proceeds of Canceled Checks for Veterans' Benefits Payable to Deceased Beneficiaries

#### Sec.

- 178.101 Scope of subpart.
- 178.102 Procedures for submitting claims.
- 178.103 Claim filed by a claimant's representative.
- 178.104 Statutory limitations on claims.
- 178.105 Basis of claim settlements.
- 178.106 Form of claim settlements.
- 178.107 Finality of claim settlements.

### Subpart B—Settlement of Accounts for Deceased Civilian Officers and Employees

- 178.201 Scope of subpart.
- 178.202 Definitions.
- 178.203 Designation of beneficiary.
- 178.204 Order of payment precedence.
- 178.205 Procedures upon death of employee.
- 178.206 Return of unnegotiated Government checks.
- 178.207 Claims settlement jurisdiction.
- 178.208 Applicability of general procedures.

SOURCE: 62 FR 68139, Dec. 31, 1997, unless otherwise noted.

### Subpart A—Administrative Claims—Compensation and Leave, Deceased Employees' Accounts and Proceeds of Canceled Checks for Veterans' Benefits Payable to Deceased Beneficiaries

AUTHORITY: 31 U.S.C. 3702; 5 U.S.C. 5583; 38 U.S.C. 5122; Pub. L. No. 104–53, 211, Nov. 19, 1995; E.O. 12107.

#### § 178.101 Scope of subpart.

(a) *Claims covered.* This subpart prescribes general procedures applicable to claims against the United States that may be settled by the Director of the Office of Personnel Management pursuant to 31 U.S.C. 3702, 5 U.S.C. 5583 and 38 U.S.C. 5122. In general, these claims involve Federal employees' compensation and leave and claims for